IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 603 OF 2003
IN
SUIT NO.3119 OF 2002

Dinesh A.Salvi .. Plaintiffs

Vs.

Conwood Agencies P.Ltd.and Ors. ..Defendants

Mr.Vinay Hegde i/b G.R.Mishra for the plaintiffs

Mr.Manoj Mhambre for the defendant no.1

Mr.Sanjeev Singh i/b Bipin Joshi for defendant no.3

Representative of defendant no.3 present.

CORAM : S.U.KAMDAR, J
DATED : 16TH SEPTEMBER, 2005

P.C.:

. The learned counsel for the defendant no.1 states that at present flat no.303 on the 3rd floor, B Wing, Panchsheel Apartment, Dahanukar Wadi, Kandivali West, Mumbai 400 067 is allotted to defendant no.2. However, the learned counsel for defendant no.1 states that in a building to be constructed defendant no.1 will retain one flat having an area of 225 sq.ft. The said building is proposed to be constructed as part of present layout under SRA scheme. As far as the said

building is constructed defendant no.1 will give notice to all the parties that the building is fully constructed and one flat is retained. On such notice being received plaintiffs will be at liberty to approach this court for appointment of Court Receiver in respect of the said flat. The aforesaid order is passed in light of the fact that in respect of one tenement there are three rival claimants. The plaintiff is claiming the agreement under defendant no.1. Defendant no.3 is also claiming the said flat and it is his contention that he is put in transit camp by defendant no.1. However, the learned counsel for the defendant no.3 gives an undertaking to this court that till further order he shall not alienate, encumber or create third party rights in respect of transit camp nor he will induct any other person therein. With the aforesaid order, notion disposed of. There shall be no order as to costs. The aforesaid arrangement is purely interim arrangement and the same will be subject to final outcome of the suit.